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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,739	10/30/2003	Larry W. White	DC-05623	9055
7590	04/01/2009		EXAMINER	
Stephen A. Terrile		CARTER, CANDICE D		
HAMILTON & TERRILE, LLP			ART UNIT	PAPER NUMBER
PO Box 203518			3629	
Austin, TX 78720				
		MAIL DATE	DELIVERY MODE	
		04/01/2009	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/697,739	Applicant(s) WHITE ET AL.
	Examiner CANDICE D. CARTER	Art Unit 3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 January 2009.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5,7-14,16-23 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5,7-14,16-23 and 25-27 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 October 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

1. The Following is a Final Office Action in response to communications received on January 22, 2009. Claims 1, 2, 10, 11, 19, and 20 have been amended. No additional claims have been cancelled. No new claims have been added. Therefore, claims 1-5, 7-14, 16-23, and 25-27 are pending and have been addressed below.

Response to Amendment

2. Applicant has amended claims 1, 10, and 19 to over come the 35 U.S.C. 101 rejections. Examiner withdraws the 35 U.S.C. 101 rejections with respect to these and all depending claims unless otherwise indicated.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. **Claims 1, 2, 9 - 11, 18 - 20, and 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Buffalo et al. US 6,957,257 (hereinafter referred to as Buffalo).**

With respect to claims 1, 10 and 19, Buffalo discloses a method, apparatus and system for verifying solution provided by a solution network (testing to determine whether problem has been fixed, See Abstract)

automatically associating a call from a customer with a solution that is provide to the customer to solve an issue, the automatically associating a call executing on a computer system (a ticket is generated regarding a customer repair request, C4 L19-27)

waiting a predetermined amount of time to verify whether the customer contacts the solution network again in a further attempt to resolve the issue, the waiting a predetermined amount of time executing on the computer system (once a problem has been resolved, the e-maintenance system waits 24hours to close a ticket out if unable to contact customer, C6 L25-36, thereby giving the customer time to contact the system); and

indicating a successful resolution to the issue if no contact is made by the customer in an attempt to resolve an issue within the predetermined amount of time, the indicating a successful resolution executing on the computer system (inherently disclosed as the reference provides that the tickets are placed in queue to be closed out in 24 hours if no response is received from the customer, C6 L25-36, close out of a ticket is interpreted to be synonymous with a determination of successful resolution of the issue, C6 L37-40 and C2 L27-31).

And verifying the solution based upon the indicating a successful solution, the verifying the solution executing on the computer system (C5 L1-5 discloses that the

automatic verification program may be utilized to run tests to determine if an access provider has fixed the problem that is being reported as cleared).

Buffalo, however, fails to explicitly disclose indicating an unsuccessful resolution to the issue by the solution if the customer contacts the solution network within the predetermined amount of time in the further attempt to resolve the issue, the indicating an unsuccessful resolution executing on the computer system.

It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the customer service maintenance automation of Buffalo to include indicating an unsuccessful resolution to the issue by the solution if the customer contacts the solution network within the predetermined amount of time in the further attempt to resolve the issue because it is old and well known to keep an ongoing repair or operational record or history of a particular machine or product in order to document the current status of the particular machine or product to be repaired.

For example, the Buffalo reference discloses that the customer may communicate to the system confirming that the trouble has been fixed. Upon receiving such communication the system will close out the customer's ticket indicating that there has been a successful resolution to the trouble that was previously reported by the customer (via C2 L27-34). Similarly, the customer may communicate to the system that the trouble has not been successfully resolved, either by responding to communication from the system or contacting the system themselves. In the event that the trouble has not been solved, the ticket will remain open as an indication that the trouble has not

been resolved and that any solution attempts recorded in a repair or operational history has been unsuccessful to solve the problem that the customer reported to the system.

With respect to claims 2, 11 and 20, Buffalo discloses the waiting is based on customer experience metrics (interpreted to be the waiting period of 24 hours disclosed by the reference, C6 L25-36).

With respect to claims 9, 18 and 27, Buffalo discloses wherein the issue relates to information handling systems (reference relates automatic customer service maintenance in a communications network, C1 L5-11).

5. Claims 3-5, 12-4, 21-23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Buffalo as applied to claims 1, 10, and 19 above, and further in view Heckerman et al. US 5,715,374 (hereinafter referred to as “Heckerman”).

With respect to claims 3, 12 and 21, Heckerman discloses a method, system and implicitly an apparatus (see abstract) wherein the indicating a successful resolution include incrementing a counter corresponding to the solution to indicate a successful solution (the reference discloses a belief network in a case based reasoning network, where probabilities of success of a solution are updated after the solving of each problem utilizing the solution, C17 L24-33, see also Fig. 12 and C16 L37-49).

With respect to claims 4, 13 and 22, Heckerman discloses a method, system and implicitly an apparatus (see abstract) further comprising scoring a solution based upon successful resolution of the issue; and wherein a higher score for a solution indicates a more successful solution (users are provided the option of selecting whether the issue

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was fixed by the recommended repair, and indicates whether each resolution was successful, C15 L20-27; and Fig. 10B, specifically 1018, 1022 and 1020).

With respect to claims 5, 14 and 23, Heckerman discloses a method, system and implicitly an apparatus (see abstract) wherein when a solution is indicated as a more successful solution, the solution is presented to a customer high on a list of available solutions (resolutions are listed in order of likelihood that each resolution will solved the current problem, C5 L39-46).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the ranking and scoring of solutions of Heckerman with the disclosure in Buffalo in order to provide a more useful and efficient method of solving problems for a user. In addition, Heckerman provides motivation for the combination of the two references by teaching that application of decision-support systems includes troubleshooting computer networks, customer service or other systems where a decision is based up identifiable criteria (C1 L20-24).

6. Claims 7, 8, 16, 17, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buffalo as applied to claims 1,6, 10, 15, 19 and 24 above, and further in view of Sullivan et al. Us 6,615,240 (hereinafter referred to as "Sullivan").

With respect to claims 7, 16 and 25, Sullivan discloses a method and implicitly a system and an apparatus (see abstract) wherein if the solution is indicated as unsuccessful, then escalating the solution into a correction workflow (in the situation where self-help has not succeeded satisfactorily and escalation to a support center is

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necessary, C2 L37-42, the support center is interpreted by the examiner to be synonymous with a correction workflow).

With respect to claims 8, 17 and 26, Sullivan discloses a method and implicitly a system and an apparatus (see abstract) wherein when the solution is escalated into a correction workflow, a product specialist reviews the solution for any needed correction (a user may first attempt self-help and then escalate to seek live-help from a technical support engineer, C5 L1-4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the escalation procedures of Sullivan with the disclosure in Buffalo in order to provide a more useful and efficient method of solving problems for a user. In addition, Sullivan provides motivation for the combination of the two references by teaching that the disclosure relates to automated customer support and service in a distributed computer environment (C1 L11-15).

Response to Arguments

7. Applicant's arguments filed January 22, 2009 have been fully considered but they are not persuasive.

In response to Applicant's arguments in regards to claims 1, 10, and 19 that Buffalo does not disclose indicating a successful resolution, Examiner respectfully disagrees. In col. 6, line 38-40 Buffalo explicitly discloses that if the customer reports that the trouble has been fixed, the e-maintenance system automatically closes out the ticket, further, Buffalo also discloses that the closing program closes out tickets that have been successfully "turned up". Buffalo, then discloses that if the system is unable

to communicate with the customer the ticket is placed in queue to be closed out in 24 hours. The first two references to closing out a ticket listed above are used in reference to closing out a ticket to a problem that has been successfully resolved. Examiner asserts that there is no reason to believe that the closing out of a ticket if the system is unable to communicate with the customer indicates anything other than what is indicated by the closing of the ticket in either of the two other references. Therefore, Examiner maintains that if no contact is made within the 24 hour period that the closing of the ticket will, indeed, indicate a successful resolution.

In response to Applicant's arguments that indicating an unsuccessful resolution to the issue by the solution if the customer contacts the solution network within the predetermined amount of time in a further attempt to resolve the issue is not an obvious modification of Buffalo, Examiner respectfully disagrees. In col. 6 line 26-40 Buffalo discloses the closing out a ticket if an issue has been successfully resolved, where Examiner asserts that the closing of the ticket, itself, is an indication of a successful solution. If a customer, however, does contact the system within the 24 hour time period and indicates to the system that the issue has not been resolved the ticket will remain open.

The Examiner asserts that the mere fact that the ticket remains open suggests that the issue has not been resolved. However, even in the event that Buffalo does not explicitly suggest this, the Examiner asserts that when the customer contacts the system in a further attempt to resolve the issue, it would be obvious to one of ordinary skill in the pertinent art to indicate that the issue has not been resolved because it is old

and well known to keep a customer record which maintains an account of the details of the customer's interaction with a customer service system. So when a customer contacts the system to notify an agent or an automated system that there is still an issue, it would be obvious for this communication to be recorded and indicated in the customer record.

In response to arguments in reference to claims 2-9, 11-18, and 20-27, all rejections made towards the dependent claims are maintained due to a lack of reply by the applicant in regards to distinctly and specifically pointing out the supposed errors in the examiner's prior office action (37 CFR 1.111). The Examiner asserts that the applicant only argues that the dependent claims should be allowable because the independent claims are unobvious and patentable over the prior art.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDICE D. CARTER whose telephone number is (571) 270-5105. The examiner can normally be reached on Monday thru Thursday 7:30am- 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. D. C./
Examiner, Art Unit 3629

/JOHN G WEISS/
Supervisory Patent Examiner, Art Unit 3629